

APPEAL NO. 032445  
FILED OCTOBER 13, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on July 30, 2003. The hearing officer determined that (1) the respondent (claimant) sustained a compensable injury \_\_\_\_\_; and (2) the claimant had disability from January 13, 2003, through March 2, 2003. The appellant (self-insured) appeals these determinations on sufficiency of the evidence grounds. The claimant asserts that the carrier's appeal is untimely and, in the alternative, urges affirmance.

DECISION

The decision and order of the hearing officer have become final pursuant to Section 410.169.

Pursuant to Section 410.202(a) and (d), a written request for appeal must be filed within 15 days of the date of receipt of the hearing officer's decision, excluding Saturdays, Sundays, and holidays listed in Section 662.003 of the Texas Government Code. Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE §143.3(c) (Rule 143.3(c)) provides that an appeal is presumed to have been timely filed if it is mailed not later than the 15th day after the date of receipt of the hearing officer's decision and received by the Texas Workers' Compensation Commission (Commission) not later than the 20th day after the date of receipt of the hearing officer's decision. Both portions of Rule 143.3(c) must be satisfied in order for an appeal to be timely. Texas Workers' Compensation Commission Appeal No. 002806, decided January 17, 2001.

Commission records indicate that the hearing officer's decision was received by the carrier's Austin representative on August 8, 2003. As provided in Rule 156.1(c), "notice from the Commission, sent to the designated representative's Austin address, is notice from the Commission to the insurance carrier." Accordingly, the last date for the carrier to timely file an appeal was September 2, 2003. The carrier indicates that it mailed its appeal on August 30, 2003, but that "the green card to the [Commission] has not yet been returned." The carrier, then, faxed copy of its appeal to the Commission on September 16, 2003, and it was stamped as received by the Commission's Chief Clerk of Proceedings on that date. The appeal is untimely.

The appeal being untimely, the jurisdiction of the Appeals Panel was not properly invoked and the decision and order of the hearing officer has become final pursuant to Section 410.169.

The true corporate name of the insurance carrier is **(a certified self-insured)** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS  
AUSTIN, TEXAS 78701.**

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Edward Vilano  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Chris Cowan  
Appeals Judge